

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: January 25, 2006
Re: **CONDITIONAL USE PERMIT (CUP): Heritage Baptist Church, Amendment of Master Development Plan, 219 Breezewood Drive.**

I. PETITIONER

Heritage Baptist Church, 219 Breezewood Drive, Lynchburg, VA 24502

Representative: Jim Vernon, Craddock Cunningham Architectural Partners, 10 9th Street, Lynchburg, VA 24504

II. LOCATION

The subject properties include four (4) tracts of approximately forty four (44) acres located at 219 Breezewood Drive.

Property Owners: Heritage Baptist Church, 219 Breezewood Drive, Lynchburg, VA 24502

III. PURPOSE

To amend the existing Master Campus Plan for the existing Heritage Baptist Church complex at 219 Breezewood Drive. The petitioner proposes the following amendments to the plan: (1) show all existing parking, including the parking lot that was added in 2004, (2) show the access aisle that will encompass the proposed auditorium (for fire access), (3) request to remove the existing seventy-five (75) foot landscape buffer along Breezewood Drive in front of the proposed auditorium for grading purposes and to replant a new vegetative screening in its place, (4) request to change the original two hundred (200) foot building setback for the auditorium to a one hundred ninety (190) foot setback (the church is also requesting to construct a portico within the proposed one hundred ninety (190) foot setback that will allow for a covered drop off for pedestrians) (5) request to increase the seating capacity of the future main sanctuary to three thousand (3000) and (6) to request that the construction of the interim auditorium be allowed to start independently of the proposed Breezewood Drive extension.

IV. SUMMARY

- Petition agrees with the *Comprehensive Plan* which recommends a combination of Institutional and Community Commercial uses in this area.
- Petition agrees with the Zoning Ordinance in that churches and other places of worship, including parish houses and educational buildings are permitted by a Conditional Use Permit approved by City Council in R-3 Medium Density Two-Family Residential and R-4 Medium-High Density Multi-Family Residential districts.
- Petition proposes six (6) amendments to the existing Master Development Plan for Heritage Baptist Church.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends Institutional and Community Commercial uses for the subject properties. Institutional uses are the religious, educational and other

non-profit entities in the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions.

Community Commercial areas contain retail, personal service, entertainment and restaurant uses that draw customers from at least several neighborhoods up to the entire City. **(5.3)**

The Future Land Use Map [FLUM] is not intended to be parcel specific. Given existing zoning and adjacent land use patterns in the area, the proposed expansion of the adjacent institutional use is suitable on the property.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-3, Medium Density Two-Family Residential District and R-4, Medium High Density Multi-Family Residential District zoning was established in 1978 with the adoption of the current *Zoning Ordinance*. The petitioner is requesting a conditional use permit to allow the revision to the existing master plan for the church.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed building.
4. **Surrounding Area.** The following items have required City Council approval in the immediate area.
 - On September 14, 2004, City Council approved Heritage Baptist Church's CUP petition to expand an existing parking lot at 239 and 329 Breezewood Drive.
 - On April 25, 2000, City Council approved Uel C. Hartless's petition to conditionally rezone five and three-tenths (5.3) acres at 310-324 Breezewood Drive and 100-104 Hartless Lane from an R-3, Medium Density Two-Family Residential District to an R-4C, Medium High Density Multi-Family Residential District (Conditional) to allow the conversion of existing structures and construction of a new apartment building to create 38 residential units.
 - On April 13, 1999, City Council approved Heritage Baptist Church's CUP petition to amend their master development plan and allow an addition to their multi-purpose building at 219 Breezewood Drive.
 - On February 9, 1999, City Council approved Richlyn LLC's petition to conditionally rezone twelve (12) acres off Breezewood Drive from R-1, Low-Density Single Family Residential District to R-3(C), Medium Density Two-Family Residential District (Conditional) and three (3) acres from R-1, Low-Density Single Family Residential District to R-4(C), Medium High Density Multi-Family Residential District (Conditional). City Council subsequently approved Richlyn LLC's CUP petition to develop forty-three (43) acres at the terminus of Breezewood Drive for about seventy-four (74) single-family attached units (townhouses), two hundred and sixty-two (262) apartments and eighty (80) elderly housing units as a Planned Unit Development in an R-C, Resource Conservation District, an R-1, Low-Density Single Family Residential District, an R-3(C), Medium Density Two-Family Residential District (Conditional) and an R-4(c), Medium High Density Multi-Family Residential District (Conditional).
 - On October 13, 1998, City Council approved Pavilion Development's CUP petition to allow the construction of a single-bay car wash next to the existing food court building at 2625 Lakeside Drive.
 - On June 9, 1998, City Council approved Southern Air's petition to conditionally rezone seven (7) acres at 2655 Lakeside Drive from R-4, Multi-Family Residential District to B-5C, General Business District (Conditional) to allow expansion of an outdoor storage area.

- On May 12, 1998, City Council approved Heritage Baptist Church's CUP petition to amend their master development plan and allow additional buildings as well as a revised layout at 219 Breezewood Drive.
 - On October 11, 1994, City Council approved Blue Ridge Development Corporation's petition to conditionally rezone five and one half (5.5) acres at 126 Breezewood Drive from R-3, Medium Density Two-Family Residential District to B-1(C), Limited Business District (Conditional) to allow the construction of a funeral home with approximately one hundred (100) parking spaces.
 - On August 24, 1994, Bill L. and Alloria M. Jamerson submitted and subsequently withdrew a CUP petition prior to the City Council hearing. The project proposed to allow an adult care facility for nineteen (19) residents in an existing house.
 - On April 12, 1994, City Council approved Heritage Baptist Church's CUP petition to amend their master development plan and allow additional classroom space as well as an enclosed hall at 219 Breezewood Drive.
 - On October 12, 1993, City Council approved Heritage Baptist Church's CUP petition to amend their master development plan and allow two additional classroom trailers at 219 Breezewood Drive.
 - On February 9, 1993, City Council approved Heritage Baptist Church's CUP petition to allow expansion of the existing church complex at 219 Breezewood Drive.
 - On October 13, 1992, City Council rezoned properties along Graves Mill Road and Lakeside Drive from I-3, Heavy Industrial District to B-3, Community Business District as part of the Graves Mill Road/ US 221 Area Land Use Study - Growth Management Program – May 11, 1992 to promote economic vitality, convenience, general welfare and good zoning practice.
 - On September 8, 1992, City Council approved New Covenant School's CUP petition to use existing facilities at 512 Breezewood Drive for a K-8 school for up to fifteen (15) students
 - On January 14, 1992, City Council approved Heritage Baptist Church's CUP petition to allow for the use of a modular classroom and expansion of a parking area at 219 Breezewood Drive.
 - On July 10, 1990, City Council approved Heritage Baptist Church's CUP petition to allow for the construction of a classroom building at 219 Breezewood Drive.
 - On December 8, 1987, City Council approved Heritage Baptist Church's CUP petition to allow for the construction of a multi-purpose building and additional parking at 219 Breezewood Drive.
 - On May 14, 1985, City Council approved Heritage Baptist Church's CUP petition to allow for an educational wing and offices at 219 Breezewood Drive.
 - On May 10, 1983, City Council approved Heritage Baptist Church's Temporary CUP petition for a tent revival at 219 Breezewood Drive.
 - On February 12, 1980, City Council approved the Church of God's CUP petition for the construction of a church at 512 Breezewood Drive.
5. **Site Description.** The subject properties include four (4) tracts of approximately forty-four (44) acres that includes an existing chapel, multi-purpose building, parking and two single-family residences; the balance of the property is currently undeveloped. The site is bounded to the north by a combination of commercial salvage and restaurant uses as well as single family residences and a mobile home park, to the east by the Lynchburg Express way and a commercial funeral home, to the south by a

combination of attached single-family and multi-family units and to the west by a combination of single family residential, commercial vehicle sales and storage as well as commercial manufacturing facilities.

Proposed Use of Property. The purpose of the CUP and proposed use of the property is as follows: To amend the existing Master Campus Plan for the existing Heritage Baptist Church complex at 219 Breezewood Drive. The petitioner proposes the following amendments to the plan: (1) show all existing parking, including the parking lot that was added in 2004, (2) show the access aisle that will encompass the proposed auditorium (for fire access), (3) request to remove the existing seventy-five (75) foot landscape buffer along Breezewood Drive in front of the proposed auditorium for grading purposes and to replant a new vegetative screening in its place, (4) request to change the original two hundred (200) foot building setback for the auditorium to a one hundred ninety (190) foot setback (the church is also requesting to construct a portico within the proposed one hundred ninety (190) foot setback that will allow for a covered drop off for pedestrians) (5) request to increase the seating capacity of the future main sanctuary to three thousand (3000) and (6) to request that the construction of the interim auditorium be allowed to start independently of the proposed Breezewood Drive extension.

6. **Traffic and Parking.** Condition number six (6) of the Conditional Use Permit approved for Heritage Baptist Church on April 13, 1999 states that “the seating of the existing sanctuary may be expanded within the existing walls, for construction completed prior to March of 1999. However, before the construction of any sanctuary additions or expansions of a new sanctuary is begun, the new proposed Breezewood Drive connection to Lakeside Drive must be under construction. The Church shall keep the City advised of its plans for the construction of a new or expanded sanctuary in order that the City can coordinate the simultaneous construction of the street project.” This condition was placed on the CUP due to the amount of traffic generated by the Church and the existing inadequate, unsafe intersection of Breezewood Drive with the Lynchburg Expressway.

The petitioner is requesting to amend this condition so that the construction of an interim fifteen hundred (1500) seat auditorium can begin independently of the construction of the Breezewood Drive extension. The extension is currently funded and is in the design phase. It is scheduled to be advertised with bids accepted in March 2007. An anticipated construction of one (1) year is expected. If the current alignment of the Breezewood Drive extension is maintained as indicated on the submitted site plan and as being designed the road should open in March 2008. Any alterations in the alignment would result in an increase to the cost of the extension and a delay in opening. As proposed the opening of the road and the interim sanctuary should coincide with one another.

Section 35.1-25, Off Street Loading and Parking of the Zoning Ordinance requires that one (1) parking space be provided for every three (3) fixed seats in the sanctuary. Since the interim auditorium will be used as a sanctuary five hundred (500) parking spaces will be required. The preliminary site plan submitted by the petitioner indicates that six hundred ninety-seven (697) parking spaces will be provided. Parking for future expansions of the Church is indicated on the submitted site plan and will be adequate to meet Zoning Ordinance requirements.

7. **Storm Water Management.** The proposed Master Campus Plan projects the ultimate build out of the property with new impervious areas exceeding 1,000 square feet; as such, a stormwater management plan will be required for the construction. Stormwater runoff from the site will be detained by the large detention pond that is proposed with construction of the Auditorium. The pond will also be used as an amphitheater for the church which will also aid in ensuring that the pond will be adequately mowed and maintained as the facility will be used for public gathering. The pond will be large enough to detain for all of the proposed and future parking, roadways, access aisle and buildings

proposed as shown on the Master Plan for all construction shown on the eastern side of the existing creek. Any construction on the western side of the creek will require additional routings of the main amphitheater pond or an additional stormwater management basin. The ultimate receiving channel for the entire site is the creek that runs through the middle of the site. The proposed detention facility will outlet through a culvert a drain into the creek at the exact same location that a current culvert discharges into the creek. Preliminary Engineering analysis shows that the creek is an adequate receiving channel as there will actually be a decrease in stormwater runoff from the site as a result of the proposed detention facility.

The stormwater runoff for the site will be treated for quality through mechanical measures as there is not enough room on the site for above ground BMP's. The preferred method would be through either snout inserts or through the Vortsentry mechanical devices for manhole inserts. Each site plan for the proposed and future expansions will have the specifics as to each water quality measure. The proposed storm system for the Auditorium addition will have Vortsentry water quality measures in the terminal manhole before discharging to the pond. The bottom of the pond will also have a flat vegetated (grass) swale to aid in additional water quality treatment. In addition, the parking lot will have grass islands and grass buffer strips to aid in slowing and cleaning the runoff from the parking lot before the runoff enters the storm system.

8. **Emergency Services.** The City's Fire Marshal had no comments on the proposed Master Plan Amendment.

The City Police Department's South Division had no comments on the proposed Master Plan Amendment.

9. **Impact.** The proposed Master Campus Plan as a whole will have significant impacts on the surrounding neighborhood. Although the majority of the proposed Auditorium building foot print lies within the Scenic Corridor Overlay District, the Future Main Sanctuary is not required to meet the same standards, even though the buildings are shown to be connected. Staff recommends that the development associated with the Future Main Sanctuary meet the requirements of the Scenic Corridor Overlay District. In addition, staff recommends that a condition be added to the petition clarifying that the two "towers" shown on the site plan are sculpture or similar monument structures, rather than communication or broadcast towers.

Stormwater runoff from the site will be detained by the large detention pond that is proposed with construction of the Auditorium. The pond will also be used as an amphitheater for the church which will also aid in ensuring that the pond will be adequately mowed and maintained as the facility will be used for public gathering. The pond will be large enough to detain for all of the proposed and future parking, roadways, access aisle and buildings proposed as shown on the Master Plan for all construction shown on the eastern side of the existing creek. Any construction on the western side of the creek will require additional routings of the main amphitheater pond or an additional stormwater management basin. The ultimate receiving channel for the entire site is the creek that runs through the middle of the site. The proposed detention facility will outlet through a culvert a drain into the creek at the exact same location that a current culvert discharges into the creek. Preliminary Engineering analysis shows that the creek is an adequate receiving channel as there will actually be a decrease in stormwater runoff from the site as a result of the proposed detention facility. The stormwater runoff for the site will be treated for quality through mechanical measures as there is not enough room on the site for above ground BMP's. In addition, the parking lot will have grass islands and grass buffer strips to aid in slowing and cleaning the runoff from the parking lot before the runoff enters the storm system.

Neither the City's Fire Marshal nor the Police Department's South Division had any comments on the proposed Master Plan Amendment.

10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on Tuesday, December 8th, 2005. Comments related to the proposed building have or will be addressed by the developer prior to final site plan approval.
 11. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary or appropriate in approving a CUP.
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VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the Heritage Baptist Church's petition to amend their existing Master Campus Plan, subject to the following conditions:

1. The property shall be developed in substantial compliance with the site plan titled "Master Plan for Heritage Baptist Church" prepared by Hurt & Proffitt dated December 28, 2005 and stamped received January 20, 2006.
2. The "Tower" and "Future Tower" identified on the master plan shall be sculpture or similar monument structures, rather than communication or broadcast towers. Design, height and size of the monuments are subject to the review of the City Planner.
3. All development associated with the construction of buildings within seven hundred (700) feet of Breezewood Drive shall be subject to the requirements of the Scenic Corridor Overlay District.
4. Final site plan approval and permitting of the interim sanctuary is not dependent on the construction of the Breezewood Drive extension provided alignment remains as indicated on the site plan dated December 28, 2005 and received January 20, 2006.
5. The construction of the future main sanctuary shall not be permitted until the Breezewood Drive extension is constructed and open.
6. All lighting associated with the development shall be glare shielded and non directional to prevent illumination across the property lines.
7. All required landscaping and buffering plants shall be a minimum of six (6) feet in height at time of planting, or shall meet such landscaping requirements as exist at the time of construction of each phase.

- 8. Along the property line of all adjacent residentially zoned properties north and east of existing Breezewood Drive and the proposed extension, existing trees shall be retained. If the petitioner can demonstrate that this area requires grading the petitioner shall reforest these areas with a mixture of deciduous and evergreen trees at the rate of one hundred (100) trees per acre.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. J.P. Stokes, Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Erin B. Hawkins, Environmental Planner
Mr. Jim Vernon, Representative

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
(see attached map)
- 2. Vicinity Proposed Land Use**
(see attached map)
- 3. Site Plan**
(see attached site plans)